

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

STYLE Kelda Camilla Karen Style
PAGE WHITE & FARRER
54 Doughty Street
London WC1N 2LS
GRANDE BRETAGNE

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25 SEP 2002

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing
(day/month/year) 23.09.2002

Applicant's or agent's file reference
202065/DJW

IMPORTANT NOTIFICATION

International application No.
PCT/EP01/03950

International filing date (day/month/year)
06/04/2001

Priority date (day/month/year)
05/05/2000

Applicant
NOKIA CORPORATION et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

For the purpose of deciding whether the claimed invention is patentable or not, the elected Offices may apply criteria additional to or different from the criteria on which the international preliminary examination report is based (see Articles 27(5), 33(5)). Additional criteria may include e.g. exemptions from patentability and the requirements of enabling disclosure and of clarity and support of claims.

Name and mailing address of the IPEA/

 European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized officer

Barrio Baranano, A
Tel. +49 89 2399-8621




PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 202065/DJW	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP01/03950	International filing date (<i>day/month/year</i>) 06/04/2001	Priority date (<i>day/month/year</i>) 05/05/2000
International Patent Classification (IPC) or national classification and IPC H04L12/28		
Applicant NOKIA CORPORATION et al.		
<p>1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 3 sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application 		
Date of submission of the demand 03/12/2001	Date of completion of this report 23.09.2002	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Haas, H Telephone No. +49 89 2399 8800	



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/EP01/03950

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-11 as originally filed

Claims, No.:

1-27 as originally filed

Drawings, sheets:

1/3-3/3 as received on 06/06/2001 with letter of 25/05/2001

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

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☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	2-27
	No:	Claims	1
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-27
Industrial applicability (IA)	Yes:	Claims	1-27
	No:	Claims	

2. Citations and explanations
see separate sheet

The following documents are cited:

D1: WO 93 00750 A (MOTOROLA INC) 7 January 1993 (1993-01-07)
D2: GB-A-2 342 010 (MOTOROLA INC) 29 March 2000 (2000-03-29)
D3: PATENT ABSTRACTS OF JAPAN vol. 1997, no. 10, 31 October 1997
(1997-10-31) & JP 09 172409 A (NEC NIIGATA LTD), 30 June 1997 (1997- 06-30)

SECTION V

1. With respect to the subject-matter of claim 1, document D1 discloses a communications device (Figure 2) comprising means (Figure 2, (30)) for controlling the signal level of transmission, wherein the signal level is initially relatively low (page 3, lines 14-20) and when a connection is established, the signal level is increased (page 3, lines 28-29).

Present claim 1 does therefore not meet the requirements of Article 33(2) PCT because its subject-matter is not new.

Furthermore, even if the Applicant were to interpret claim 1 in such a manner as to enable it to allege that its subject-matter is novel, nevertheless the subject-matter does not seem to involve an inventive step in the light of document D1.

The subject-matter of claim 1 is also rendered obvious by D2 (Figure 8, (804, 812)), where the power level is initially at an operational level, but the power is reduced at the initiation of registration and is increased again after the connection is established.

Present claim 9 differs from claim 1 only in that the signal level is controlled in the receiver, i.e. according to claim 9 attenuation means are provided within the receiver rather than within the transmitter.

Such specific placements of power control means lie, however, fully within the normal capabilities of a person skilled in the art.

The present application does thus not satisfy the criterion set forth in Article 33(3) PCT because the subject-matter of Claim 9 does not involve an inventive step (Rule 65(1)(2) PCT).

The same applies to independent claims 26 and 27 which essentially repeat the features of claims 1 or 9 in terms of a method.

The present application does thus not satisfy the criterion set forth in Article 33(3) PCT because the subject-matter of Claims 26 and 27 does not involve an inventive step (Rule 65(1)(2) PCT).

2. The subject-matter of dependent claims 2 to 8 and 10 to 25 only covers implementation details which are either rendered obvious by the documents of the International Search Report or lie fully within the normal capabilities of a person skilled in the art.

Therefore the dependent claims do not add anything of inventive significance to claims 1 or 9.

3. In order to assess inventive step more clearly the following matters should also have been corrected:

The independent claims are not in the appropriate two-part form as required by Rule 6.3(b) PCT, whereby the features known from document D1 should be placed in the preamble.

To meet the requirements of Rule 5.1(a)(ii) PCT, documents D1 and D2 should have been identified in the description and the relevant background art disclosed therein should have been briefly discussed.

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International application No. PCT/EP01/03950

Reference signs in parentheses should have been inserted in the claims to increase their intelligibility, Rule 6.2(b) PCT. This applies to both the preamble and characterising portion.

In Figure 2 (13) the term "alternator" should probably read "attenuator".

EPO - DG 1

1/3

06.06.2001

(46)

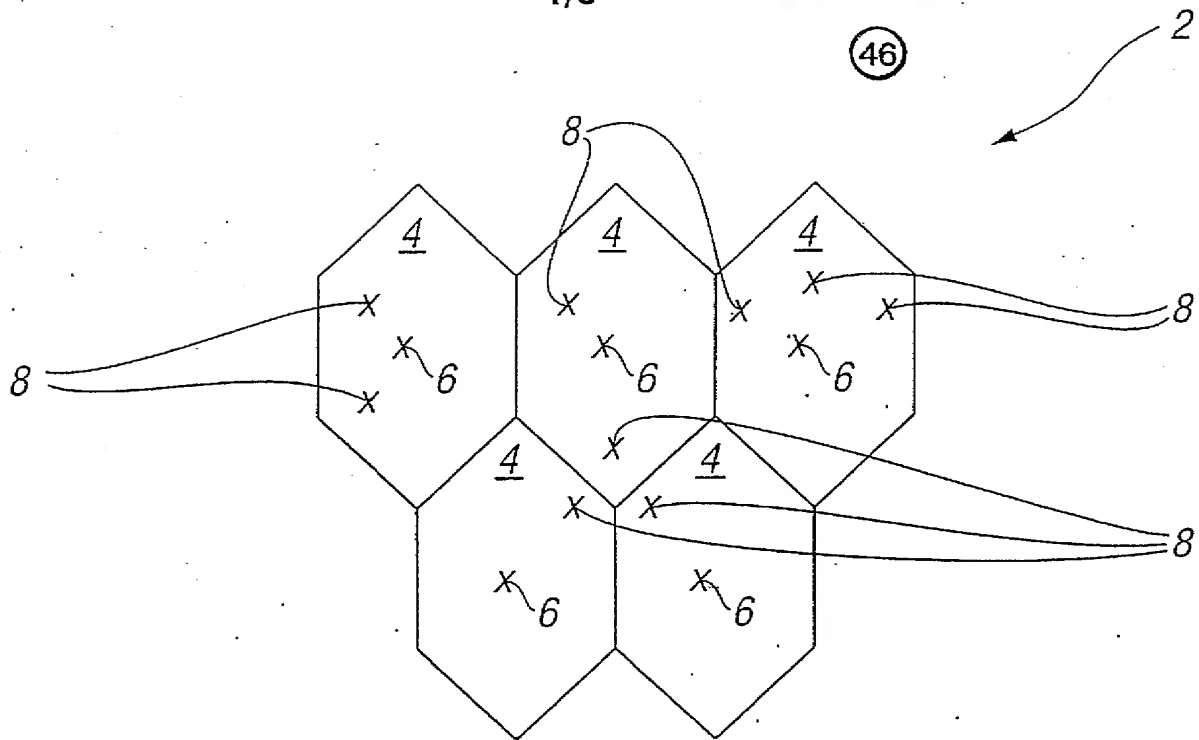


FIG. 1

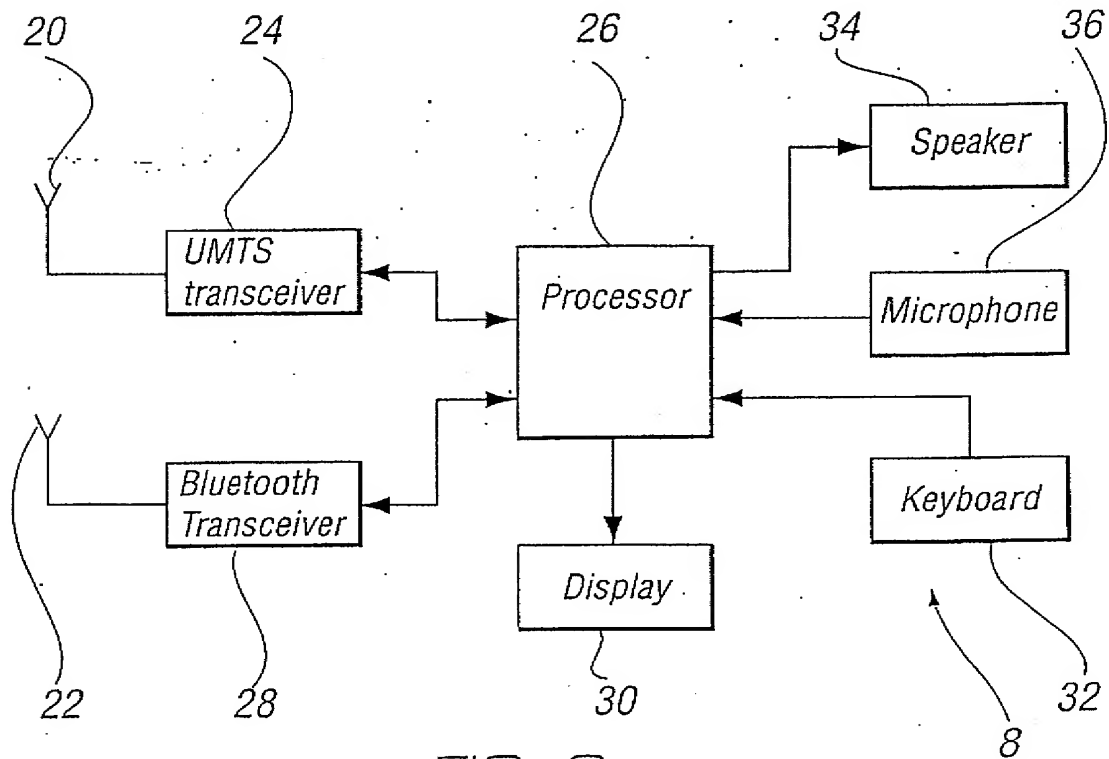


FIG. 3

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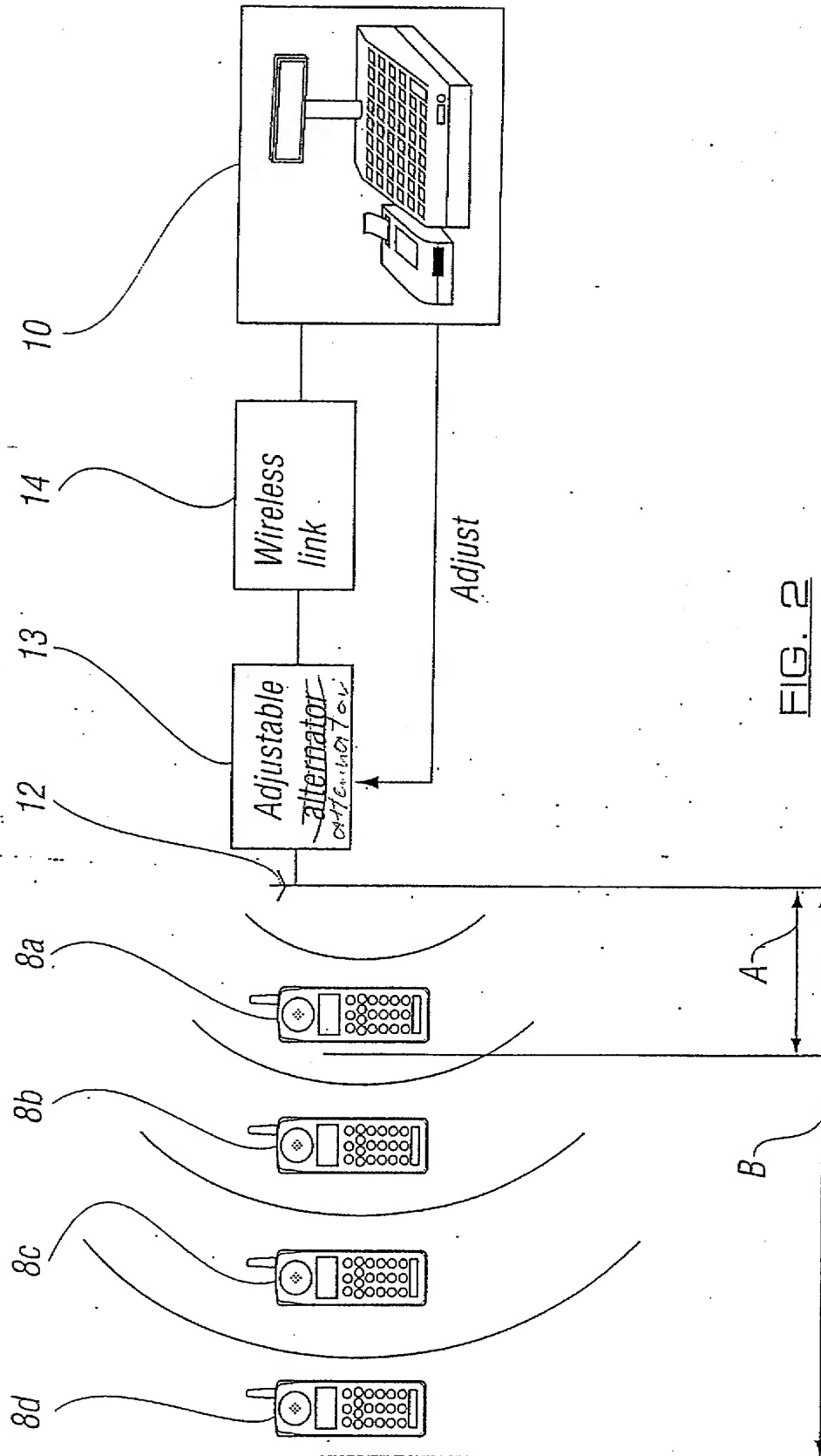


FIG. 2

3/3

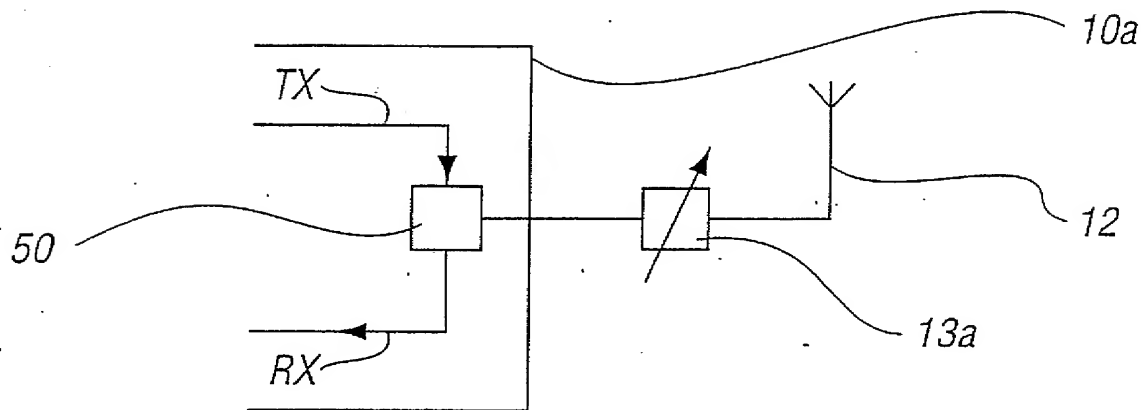


FIG. 4

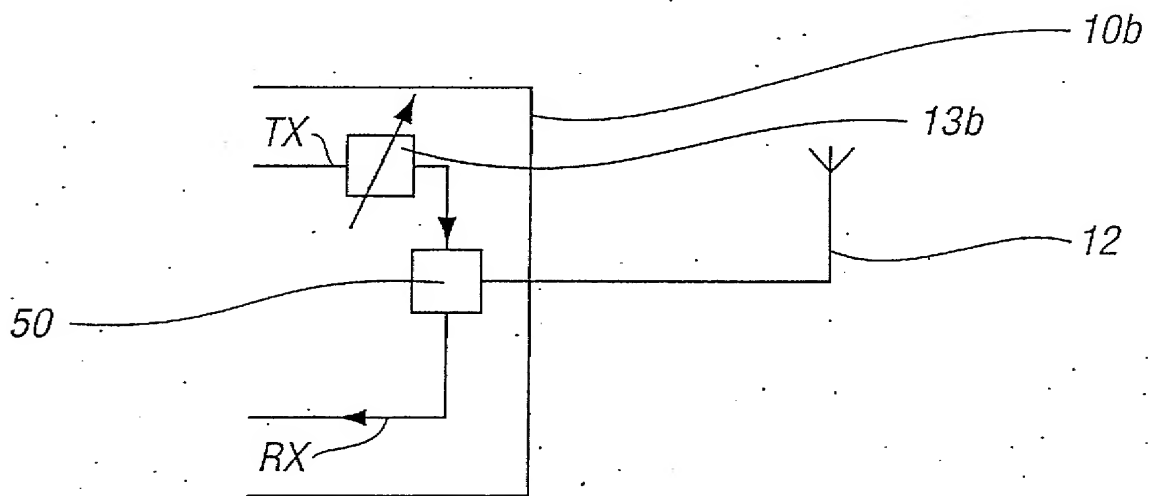


FIG. 5

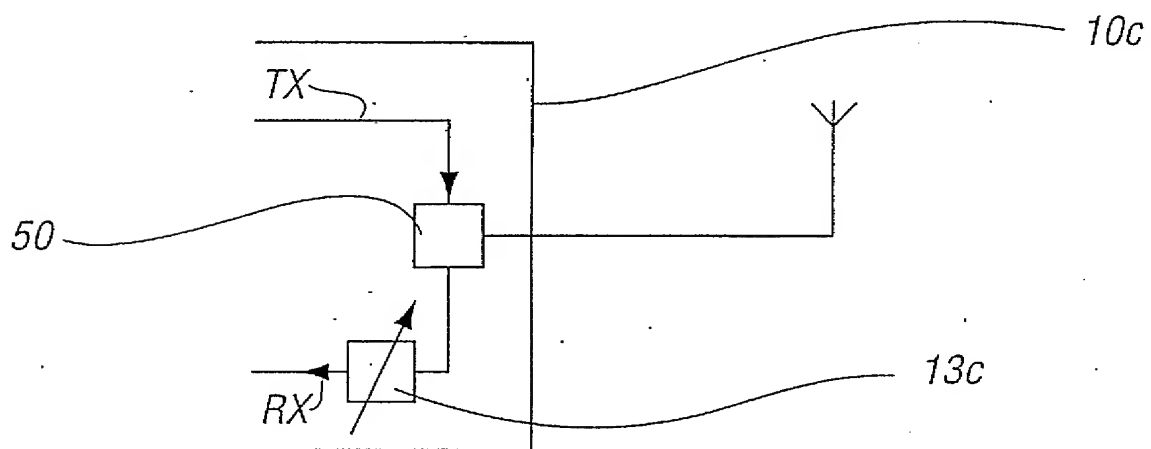


FIG. 6